United Nations A/53/629

General Assembly

Distr.: General
24 November 1998

Original: English

Fifty-third session
Agenda item 148

Convention on jurisdictional immunities of States and their property

Report of the Sixth Committee

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I. Introduction

1. The item entitled "Convention on jurisdictional immunities of States and their property" was included in the agenda of the fifty-third session of the General Assembly pursuant to Assembly resolution 52/151 of 15 December 1997.

2. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 23rd and 35th meetings, on 9 and 24 November 1998. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/53/SR.23 and 35).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General (A/53/274 and Add.1).

II. Consideration of draft resolution A/C.6/53/L.19/Rev.1

5. At the 35th meeting, on 24 November, the representative of *Japan*, and coordinator of the informal consultations, introduced a draft resolution entitled "Convention on jurisdictional immunities of States and their property" (A/C.6/53/L.19/Rev.1).

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6. At the same meeting, the Chairman of the Committee made a statement (see A/C.6/53/SR.35).

7. Also at the same meeting, the Committee adopted draft resolution A/C.6/53/L.19/Rev.1 without a vote (see para. 8).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on jurisdictional immunities of States and their property

The General Assembly,

Taking note of the set of draft articles on jurisdictional immunities of States and their property[1] adopted by the International Law Commission at its forty-third session, as well as its recommendation that an international conference of plenipotentiaries be convened to examine the draft articles and to conclude a convention on the subject,[2]

Recalling that, in its resolution 49/61 of 9 December 1994, it accepted the recommendation of the International Law Commission,

Recalling also that, in its resolution 52/151 of 15 December 1997, it decided to consider the subject again at its fifty-third session with a view to the establishment of a working group at its fifty-fourth session,

Reaffirming that the codification and progressive development of international law contributes to the implementation of the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,

Having considered the report of the Secretary-General,[3]

1. *Decides* to establish an open-ended working group of the Sixth Committee, open also to participation by States members of the specialized agencies, at its fifty-fourth session to consider outstanding substantive issues related to the draft articles on jurisdictional immunities of States and their property adopted by the International Law Commission, taking into account the recent developments of State practice and legislation and any other factors related to this issue since the adoption of the draft articles, as well as the comments submitted by States in accordance with paragraph 2 of resolution 49/61 and paragraph 2 of resolution 52/151, and to consider whether there are any issues identified by the working group upon which it would be useful to seek further comments and recommendations of the Commission;

2. *Invites* the International Law Commission to present any preliminary comments it may have regarding outstanding substantive issues related to the draft articles, by 31 August 1999, in the light of the results of the informal consultations held pursuant to General Assembly decision 48/413 of 9 December 1993 and taking into account the recent developments of State practice and other factors related to this issue since the adoption of the draft articles, in order to facilitate the task of the working group;

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[1] *Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10* (A/46/10), para. 28.

[2] Ibid., para. 25.

[3] A/53/274 and Add.1.

3. *Decides* to include in the provisional agenda of its fifty-fourth session the item entitled "Convention on jurisdictional immunities of States and their property".